

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed September 14, 2010 ("Office Action"). Claims 26-45 were pending and rejected. Claims 26, 34-35, 39-40, and 45 are amended herein. Support for the amendments presented herein can be found in the specification as originally filed, at least from paragraphs 34, 40, and 50-52. No new matter is introduced. No claim is newly added. Through these changes, claims 26-45 remain pending. This Reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and place the present application in condition for allowance. Applicant believes that claims 26-45 recite subject matter not reached by the art of record and therefore should be allowed. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summaries

A telephonic interview was conducted on August 26, 2010 between Examiner Goldberg and Attorney Schuster. Having taken over the examination of the present application, Examiner Goldberg had initiated the interview to discuss both the utility and terminology of the present application. Specifically, Examiner Goldberg pointed to the claim terms "name-value pair" and "a name for each of the set of the name-value pairs" and inquired as to who is changing the name of the name-value pair and the utility in doing so. Examiner indicated that the term "template" seems to be different in Richard and wanted to find out exactly what a "template" entails for the present application. Applicant explained the differences between the cited art and embodiments as claimed. No specific agreement was reached. Applicant appreciates the time and effort taken by Examiner Goldberg to review Applicant's present application and discuss the pending claims and the cited art.

A telephonic interview was conducted on December 6, 2010 between Examiners Goldberg and Patel, and Attorneys Schuster and Berrier. During the interview, the attorneys explained the invention to the Examiners and pointed out the differences between the invention and the cited prior art references. In particular, the attorneys explained that the claimed

invention uses building blocks from a master template to generate individual templates, each of which can be used to convert data from a particular data service into a format that is formatted for presentation on a particular device or device type. The Charisius reference, on the other hand, teaches that a preexisting template is selected from a library of such templates and is used to convert source code to a single (language-neutral) form. No specific agreement was reached. Applicant appreciates the time and effort taken by the Examiners to discuss the application and the cited art.

Claim Objections

The Examiner objects to claims 26-45 because the limitation "service/device-specific templates" could be construed as either ("service-specific templates" OR "device-specific templates"), or ("service-specific templates" AND "device-specific templates"). Applicant points out that each of the independent claims specifically states that each of the service/device-specific templates is specific to a corresponding device type and to a specific data service, so the limitation could not reasonably be construed as ("service-specific templates" OR "device-specific templates"). Applicant therefore believes the objection has been overcome.

Rejections under 35 U.S.C. § 112

The Examiner rejects claims 26, 35 and 40 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states that it is not understood how the building blocks are created from the name-value pairs. Applicant points out that the claims do not recite creating the building blocks, but instead recites selecting building blocks from a master template. As to the use of "based on" terminology, Applicant has amended the claims to clarify that building blocks containing information on formatting the set of the name-value pairs for presentation are selected from the master template. This is taught at paragraphs 0040 and 0052 of the application. Applicant therefore respectfully submits that the claims and the application comply with the written description requirement under 35 U.S.C. § 112, first paragraph.

The Examiner rejects claims 26-45 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and particularly claim the subject matter which Applicant regards as the invention. In particular, the Examiner states in regard to claims 26, 35, and 40

that he cannot ascertain what is meant by “wherein the master template is not used to directly convert...” Applicant has removed this language from the claims and therefore believes the basis for the rejection has been overcome. In regard to claims 34, 39, and 45, the Examiner states that the utility of the modification of the label for a name value pair is not understood. It is not apparent to Applicant how the utility of the recited limitation affects the matter of whether the language of the limitation is definite, and consequently how this reasoning supports a rejection under 35 U.S.C. §112, second paragraph. As to the utility of the limitation, Applicant points out that the label may be used for informational purposes, and the user may modify the label in order to make it more informative, as explained at paragraph 0052 of the present application.

For at least the reasons set forth above, Applicant believes the rejection under 35 U.S.C. § 112, second paragraph, has been overcome.

Rejections under 35 U.S.C. § 103

Claims 26-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,051,316 (“Charisius”) in view of U.S. Publication No. 20020073119 (“Richard”). Applicant respectfully traverses this rejection.

As to claim 26, the Examiner states that all of the limitations of the claim are taught by Charisius, except that building blocks are assembled into service/device-specific templates which are specific to corresponding device types and to the specific data service associated with the unformatted data. The Examiner states, however, that this is taught by Richard. Applicant respectfully disagrees.

Charisius teaches a software development tool (abstract) that opens source code files, determines the programming language in which the source code is written, and converts the source code into a language-neutral representation that is used to display the source code and a graphical representation of the source code to a user (e.g., col. 21, lines 6-16). Charisius converts the source code into a language-neutral representation using a preexisting template, such as may be selected from a library of templates (col. 21, lines 48-59). Richard teaches systems and methods for converting data from one of a plurality of markup languages to one of the same plurality of markup languages (see abstract, claim 1).

Claim 26 does not recite the conversion of data, but instead recites the generation of templates that may later be used to convert data. The claim includes specific limitations

regarding “selecting building blocks from a master template” and “assembling the building blocks selected from the master template into service/device-specific templates, wherein each of the service/device-specific templates is specific to a corresponding device or a device type and to the specific data service associated with the unformatted data.” As noted above, Charisius does not teach the generation of any templates, but instead teaches that preexisting templates may be stored in a library (col. 21, lines 48-59). Even if the templates obtained by Charisius could be construed as “building blocks”, Charisius does not teach that the obtained templates are assembled into anything, such as another template – they are simply obtained and used to convert source code. Still further, if the templates obtained by Charisius could be construed as “building blocks”, each such “building block” would not be specific to a single type of name-value pair or a single device type, as recited in the claim (since each template according to Charisius is a collection of generalized definitions for the identified source code language as shown at col. 21, lines 49-51, and converts the source code to a language-neutral representation as shown at col. 21, lines 10-11).

The Richard reference also fails to teach “selecting building blocks from a master template” and “assembling the building blocks selected from the master template into service/device-specific templates, wherein each of the service/device-specific templates is specific to a corresponding device or a device type and to the specific data service associated with the unformatted data.” (Applicant notes that the Examiner does not contend that this is shown by the reference). Consequently, the combination of Charisius and Richard fails to teach or suggest all of the limitations of the claim as required by M.P.E.P. 2143. Indeed, Richard appears to teach away from generating templates by specifically disclosing that the “[u]se of the ECMAScript language can avoid the need to create a new syntax and often avoids going through scripts tagged according to the XSL language.” See Richard, paragraph 45. As Richard points out, application of the XSL language is relatively complex as it requires knowledge of a new programming language. See Richard, paragraph 43. This is consistent with Applicant’s disclosure that the creation of new templates is difficult and the need to create a new set of templates for each new client device or service presents a daunting task. See Specification, paragraph 9.

Applicant respectfully submits that a person of ordinary skill in the art would not be motivated to combine the Charisius and Richard references as suggested by the Examiner. As noted above, the system of Charisius is specifically designed to convert source code in various programming languages into a language-neutral representation (col. 21, lines 10-11). The Examiner presents Richard as teaching the conversion of content into different formats (e.g.,

HTML or WML), depending upon which device will receive the data, but the conversion of data into device-specific formats is directly contrary to the language-neutral conversion performed by Charisius. Implementing the device-specific conversion of Richard in the system of Charisius would therefore impermissibly change the principle of operation of Charisius' system and cannot render claim 26 prima facie obvious (see M.P.E.P. 2143.01.VI).

For at least the reasons set forth above, Applicant respectfully submits that claim 26 is patentable under 35 U.S.C. §103 over the combination of the Charisius and Richard. Further, because claims 27-45 include limitations similar to those discussed above in connection with claim 26, they are patentably distinguished from the combination of Charisius and Richard in the same manner as claim 26. Applicant therefore respectfully requests withdrawal of the rejections under 35 U.S.C. §103.

* * * * *

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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